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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,453	10/01/2003	Adrian Peter Wivagg	NSD2002-014	7556

7590 -- 03/25/2005

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EXAMINER


ADAMS, GREGORY W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/676,453	WIVAGG ET AL.	
	Examiner	Art Unit	
	Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 118 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/1/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I in the reply filed on December 16, 2004 is acknowledged. Claim 19 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II, there being no allowable generic or linking claim.
2. The traversal is on the ground(s) that searching for one claim, i.e. claim 19, would not require substantially more resources than an examination of Group I claims. Quantity of claims of no relevance when determining restrictability. Moreover, because under the requirements of restriction found in MPEP 806.05(e) the restriction satisfied both prong "(1)" and prong "(2)" of the distinctiveness test. Thus the requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Referring to claim 8, line 2, the "remotely operated cam" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

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is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Referring to line 3, it is unclear whether a "first track" is included in an "arm" or an "elongated dimension".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows et al. (US 5,878,099) (cited by applicant).
8. With respect to claim 1, Burrows et al. '099 discloses a system for delivering a tool 100 comprising a motorized trolley 118 riding on an underlying tubular body upper lip 106, 110, vertical column assembly 134 having a first part 132, 138 rotatably mounted on a trolley 118 and a laterally extending arm 136 wherein rotating a vertical column assembly 134 positions a laterally extending arm peripheral end portion 136, 140 on a underlying tubular body inboard side or on an underlying tubular body outboard side (col. 3, Ins. 18-26), an extendable pole assembly 122 having a pole first part 122 attached to a laterally extending arm 148, and a pole second part 122 for extending a pole second part 122, tool (col. 3, Ins. 8-10) attached to a pole second part 122.
9. With respect to claim 2, Burrows et al. '099 discloses a column assembly 134 that includes a second stationary part 136, 140, and a camera (col. 3, Ins. 8-10).
10. With respect to claim 3, Burrows et al. '099 discloses a camera (col. 3, Ins. 8-10) that moves vertically.
11. With respect to claim 4, Burrows et al. '099 discloses a system for delivering a tool 100 that includes a continuous track assembly 114 supported around an underlying body upper lip 106, 110, and a motorized trolley 118 that rides on a track assembly 114.
12. With respect to claim 5, Burrows et al. '099 discloses a track assembly 114 which extends substantially 360 degrees (col. 3, Ins. 13-15).

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13. With respect to claim 6, Burrows et al. '099 discloses a track assembly 114 fits different diameter tubular bodies (col. 3, Ins. 18-26).
14. With respect to claim 7, Burrows et al. '099 discloses a track assembly 114 that guides and supports a trolley 118 while a pole assembly 122 is maintained vertically.
15. With respect to claim 8, Burrows et al. '099 discloses a motorized trolley 118 that includes a remotely operated cam 156 to clamp onto a track 114.
16. With respect to claim 9, Burrows et al. '099 discloses a column assembly first part 132, 138 rotates 180 degrees.
17. With respect to claim 10, Burrows et al. '099 discloses a tool (col. 3, Ins. 8-10) that rotates 180 degrees.
18. With respect to claim 11, Burrows et al. '099 discloses a laterally extending arm 136 extends at a downwardly directed angle.
19. With respect to claim 12, Burrows et al. '099 discloses a downwardly directed angle between 45 and 60 degrees.
20. With respect to claim 13, Burrows et al. '099 discloses a second laterally extending arm 136 supported by a column first part 132, 138 and having an elongated dimension having a second track 122 and supporting a column first part 132, 138.
21. With respect to claim 14, Burrows et al. '099 discloses a second laterally extending arm 136 supported by a column first part 132, 138 and having an elongated dimension having a second track 122 and supporting a column first part 132, 138.

***Claim Rejections - 35 USC § 103***

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22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. (US 5,878,099) as applied to claim 1 above, and further in view of Hippach (US 3,638,806). Burrows et al. disclose a system for delivering a tool having a pole assembly but do not disclose a telescoping pole with nested square sections. Hippach discloses a system for delivering a tool 10 having an extendable pole assembly 15, 22 which includes nested square telescoping sections 22 (col. 3, lns. 68-72) to increase the weight the pole 15 is able to support at its end without sacrificing extendable pole length. Col. 1, lns. 5-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pole of Burrows et al. to include telescoping square sections, as per the teachings of Hippach, to increase the weight the pole 15 is able to support at its end without sacrificing extendable pole length.

24. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burrows et al. (US 5,878,099) as applied to claim 1 above, and further in view of Silverman et al. (US 5,205,174). Burrows et al. disclose a system for delivering a tool comprising a camera to clean and subsequently inspect reactor vessel components. Referring to FIGS. 1-4 Silverman et al. discloses a system for delivering a tool within a reactor comprising a tool 6 including a camera 6, and a

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hydrolaser 34 to direct high pressure fluid stream (col. 6, Ins. 8-32), a hydrolaser including two spray nozzles 34 to prepare and inspect a submerged surface of a fluid reservoir. Col. 1, Ins. 5-35. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool and camera of Burrow et al. to include a tool comprising a camera and hydrolaser with spray nozzles, as per the teachings of Silverman et al., such that to prepare and inspect a submerged surface of a fluid reservoir.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,145,583 to Gay et al.

US 5,504,788 to Brooks et al.

US 5,571,968 to Buckley

US 5,271,046 to Dirauf et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-Th, 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



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